

**DEPARTMENT SIXTEEN – JUDGE SCOTT L. KAYS
TENTATIVE RULINGS SCHEDULED FOR
MONDAY, NOVEMBER 17, 2008**

**SEMENSCHIN v. BROWNING
Case No. FCM095551**

Motion Objecting to Sufficiency of Undertaking

TENTATIVE RULING

Plaintiff's objections to Defendant's revised undertakings are sustained.

Defendant's revised undertakings were timely. Because notice of the entry of the Court's order on the prior motion objecting to the sufficiency of the undertakings was served by mail, Defendant had five additional calendar days to comply with the Court's order. (Code Civ. Proc. § 1013(a).)

However, Defendant's revised undertakings are still deficient. Though the revised undertakings state that the sureties are jointly and severally liable and identify the addresses at which the sureties may be served, they still do not identify the address at which the principal may be served. (Code Civ. Proc. § 995.320(a)(2).)

In addition, Defendant has again failed to attach affidavits of qualifications of each surety containing the information required by Code of Civil Procedure section 995.520, subdivisions (b) and (c). The Court notes that the two proposed sureties may not be sufficiently qualified on the bond. Ms. Metz may not be worth the value of the bond because the only property proposed to qualify her as a surety appears to be owned by the "Gay Claire Metz Revocable Living Trust." Likewise, Mr. Evans may not be worth the value of the bond. The only property proposed to qualify Mr. Evans as a surety is real property that appears to be owned jointly with Defendant. A recent appraisal of the value of the property seems to have estimated its value to be between \$401,484 and \$513,008. Given an admitted mortgage of about \$700,000 and a potential outstanding tax debt of \$15,579.59, it seems that Mr. Evans' liabilities exceed his interest in the asset.

A sufficient undertaking, complying with all legal requirements, shall be given within five days of the date of this order. Failure to do so will result in forfeiture of the right to a stay of the enforcement of judgment pending appeal. (Code Civ. Proc. § 995.960(b)(1).)

ESTATE ADMINISTRATION PRE-GRANT ORDERS

ESTATE OF ROBERT BLAND

Case No. FPR041759

Petition for Distribution, Surcharge and Accounting

PRE-GRANT ORDER

Counsel to appear.

In re Estate of HERSHELL WESLEY STANDFILL, SR.

Case No. FPR043101

Motion to Compel KELLY NANCE to Produce for Inspection Documents Described in the Petition for Issuance of Citation, and for Order Imposing Monetary Sanctions against KELLY NANCE

PRE-GRANT ORDER

Parties are to appear.

ESTATE OF SOLEDAD LANDIN

Case No. FPR043393

Petition to Administer Estate

PRE-GRANT ORDER

Petition denied for the following reasons:

1. Item 3d on Petition is incomplete. No reason given to waive bond.
2. No proof of publication.